

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CARL EMANUEL HAESE,

Petitioner,

v.

NO. 14-CV-720-JAP/CG
10-CR-130-JAP

UNITED STATES OF AMERICA,

Respondent.

**ORDER ADOPTING MAGISTRATE JUDGE'S
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

On August 21, 2015, the Magistrate Judge filed *Proposed Findings and Recommended Disposition* ("PFRD"), (Doc. 11). In the PFRD, the Magistrate Judge concluded that Petitioner Carl Haese failed to demonstrate (1) that extraordinary circumstances prevented him from filing his claim within the one-year limitations period and (2) that he diligently pursued his claim during that time. As a result, the Magistrate Judge found that Petitioner's *Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside or Correct Sentence by a Person in Federal Custody*, (CV Doc. 1), was untimely. The Magistrate Judge recommended that Petitioner's *Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside or Correct Sentence by a Person in Federal Custody*, (CV Doc. 1), be dismissed with prejudice, and that a certificate of appealability be denied.

The parties were notified that written objections to the PFRD were due within fourteen days. (Doc. 11 at 8). No objections have been filed, and the deadline of September 7, 2015 has passed for filing objections. After a de novo review of the record and the PFRD, the Court has decided to adopt the *Proposed Findings and Recommended Disposition* (Doc. 11) in its entirety.

IT IS ORDERED that:

1. The *Proposed Findings and Recommended Disposition* (Doc. 11) is
ADOPTED;
2. Petitioner Carl Haese's *Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside or Correct Sentence by a Person in Federal Custody*, (CV Doc. 1) is **DISMISSED WITH PREJUDICE**; and
3. A certificate of appealability is **DENIED**.

A handwritten signature in black ink, reading "James A. Parker". The signature is written in a cursive style with a large, looped "P" at the end.

THE HONORABLE JAMES A. PARKER
SENIOR UNITED STATES DISTRICT JUDGE